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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,982	10/22/2003	John Melideo	J000-P03055US	2457
33356	7590	01/12/2006	EXAMINER	
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			PATEL, JAY P	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,982

Applicant(s)

MELIDEO, JOHN

Examiner

Jay P. Patel

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5-7,8,9,13,14,16-18,19,20,24-28,30-32,33,34,38-40,42,44,45,49,50,52,54 and 55 is/are rejected.
- 7) ☒ Claim(s) 3,10-12,15,21-23,29,35-37,41,46-48,51 and 56-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 8, 9, 13, 14, 19, 20, 24-28, 33, 34, 38-40, 42, 44, 45, 49, 50, 52, 54 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Yach et al (US Publication 2002/0128036 A1).

3. In regards to claim the block diagram of the mobile device 100 illustrated in figure 2c, providing a computer having a display, an input device, an application program and a telephone call modules anticipates 1. The mobile device 100 includes a display 22, auxiliary input/output devices 28, keyboard 32 software modules 24A – 24N (application program); one of the software modules is a voice communications module 24A (telephone call module) (also see page 7, paragraph 61).

In further regards to claim 1, the application program comprising an integrated body of computer software comprised of one or more files, modules or parts that calls operation system services and performs work for a user is anticipated by the plurality of software modules 24A – 24N.

In further regards to claim 1, the telephone call module comprising software distinct from the application program and operating apart from the application program is anticipated by the operating system software used by the microprocessor 38 which is stored in a persistent store such as flash memory 24 (see page 8, paragraph 70, 1st three lines).

In further regards to claim 1, the application program causing a telephone number to be displayed on the display, and the telephone call module recognizing the activation of the displayed telephone number are anticipated by call person option 476 in figure 2b which is one of the many options of the graphical user interface (GUI) (page 6, 2nd column, paragraph 56). A user using the input device to activate the displayed telephone number is anticipated by the fact that the user of the mobile device may scroll

through the message he is viewing by one or more navigation means and the appearance of the menu (see page 6 paragraph 56).

In further regards to claim 1, the telephone call module recognizing the activation of the displayed telephone number and the telephone call module, in response to recognizing the activation of the displayed telephone number, causing a signal to be sent to a switch instructing the switch to initiate a telephone call between a predefined telephone number and the displayed telephone number are anticipated by the procedure to place an outgoing phone call in figure 2a and by wireless gateway 140 and its functions. In figure 2a, viewing screens 450 and 451 illustrate a display screen for the originating party which, selects to call the destination party at home or at the office (initiate a telephone call between a predefined telephone number (device X) and a displayed telephone number (device Y in figure 2a)); once the location is selected, a call is places (see viewing screen 451 in figure 2a). To implement push services, the wireless gateway 140 (switch) performs routing and addressing functions, ensuring that a valid address for mobile device 100 always exists so that it can be located by wireless connector 125 and be sent proper information (see page 4, 1st column, paragraph 40 and figure 1, wireless gateway 140). In regards to claims 4, 8 and 9, the disclosure used with regards to the last limitation of claim 1 is applicable to claims 4, 8 and 9. In regards to claim 4, viewing screen 451, the call is placed between device X and device Y once the location of Y is selected. In regards to claims 8 and 9, the wireless gateway 140 (switch), performs routing and addressing functions and therefore, would act as a switch to receive and route call initiation message between device X and Y in figure 2a.

In regards to claim 2, the user using the input device to activate a second telephone number is anticipated by step 3 of figure 4 where "Call Number" option from the menu is selected to place a call to a third party through a phone number reference (see figure 4, step 3; page 9, 2nd column, paragraph 81). In further regards, step 620 in figure 4, is a call request to person W which is a third party and since a conference call involves at least three parties, it is inherent from step 4, block 620 that once a third party (person W) is selected, a conference call procedure is initiated.

In further regards to claim 2, the telephone call module recognizing the activation of the second telephone number is anticipated step 3 in figure 6 where a call request is placed to call the involved parties such as person A in block 830, in particular, the request is placed to all parties involved in the message initially received (see block 830 where all the TO, CC and FROM parties all receive the request).

In further regards to the telephone call module, in response to recognizing the activation of the second telephone number, causing a second signal to be sent to the switch instructing the switch to initiate a conference call between the predefined telephone number, the displayed telephone number and the second telephone number are anticipated by the wireless gateway 140 and its functions. Since a conference call is a push function, to implement push services, the wireless gateway 140 performs routing and addressing functions, ensuring that a valid address for mobile device 100 always exists so that it can be located by wireless connector 125 and be sent proper information (see page 4, 1st column, paragraph 40 and figure 1, wireless gateway 140).

In regards to claim 13, a computer program product stored on a machine readable medium comprising computer software distinct from an application program and operating apart from the application program, the computer software having instructions for causing a processor to recognize activation by a user of a telephone number displayed by an application program is anticipated by the fact that the user of the mobile device may scroll through the message he is viewing by one or more navigation means and the appearance of the menu (see page 6 paragraph 56).

In further regards to claim 13, in response to recognizing the activation of the displayed telephone number, cause a signal to be sent to a switch instructing the switch to initiate a telephone call between a predefined telephone number and the displayed telephone number are anticipated by the wireless gateway 140 and its functions. To implement push services, the wireless gateway 140 performs routing and addressing functions, ensuring that a valid address for mobile device 100 always exists so that it can be located by wireless connector 125 and be sent proper information (see page 4, 1st column, paragraph 40 and figure 1, wireless gateway 140).

In regards to claim 14, the computer program recognizing the activation of a second telephone number is anticipated by step 3 of figure 4 where "Call Number" option from the menu is selected to place a call to a third party through a phone number reference (see figure 4, step 3; page 9, 2nd column, paragraph 81).

In further regards to claim 14, in response to recognizing the activation of the second telephone number, cause a second signal to be sent to the switch instruction the switch to initiate a conference call between the predefined telephone number, the

displayed telephone number and the second telephone number are anticipated by the wireless gateway 140 and its functions. To implement push services, the wireless gateway 140 performs routing and addressing functions, ensuring that a valid address for mobile device 100 always exists so that it can be located by wireless connector 125 and be sent proper information (see page 4, 1st column, paragraph 40 and figure 1, wireless gateway 140). In regards to claims 19 and 20, the wireless gateway 140 (switch), performs routing and addressing functions and therefore, would act as a switch to receive and route call initiation message between device X and Y in figure 2a.

In regards to claim 24, the computer program of claim 13, the application program, a display for displaying the telephone number, a user input device for receiving the activation, and a communications interface for sending the signal to the switch are anticipated by the block diagram of the mobile device 100 illustrated in figure 2c. The mobile device 100 includes a display 22, auxiliary input/output devices 28, software modules 24A – 24N (application program); one of the software modules is a voice communications module 24A (telephone call module) (also see page 7, paragraph 61).

In regards to claim 25, the second application program is anticipated by any of the software modules 24A-24N in figure 2c.

In regards to claim 26, the dynamic linked library is anticipated flash memory 24 in figure 2c, which stores the software modules.

In regards to claim 27, a user input device, a display device, a processor, a memory are anticipated by the mobile device 100 which includes a display 22, auxiliary

input/output devices 28, keyboard 32, microprocessor 38, flash memory 24 and RAM 26.

In further regards to claim 27, the processor and the memory comprising circuits and software for recognizing activation by a user of a telephone number displayed by an application program is anticipated by the function of the microprocessor which controls overall operation of the mobile device and by the flash memory 24 which through the microprocessor 38 manages high-level communication applications such as voice communication application 24A (see page 8, paragraph 68).

In regards to claim 28, it refers to a computer that carries executes the computer program of claim 14, therefore along with the disclosure used in regards to claim 27, the disclosure used with regards to claim 14, also anticipates the claim 28.

In regards to claims 33 and 34, the disclosure used with regards to the last limitation of claim 27 is applicable to claims 33 and 34.

In regards to claim 38, the client computer for application independent telephone call initiation of claim 27 wherein the software comprises an application program and a telephone call module distinct from the application program is anticipated by the operating system software used by the microprocessor 38 which is stored in a persistent store such as flash memory 24 (see page 8, paragraph 70, 1st three lines).

In regards to claim 39, the method of server-based telephone call initiation comprising providing a server having a network application program and a telephone call module is anticipated by server 164 in figure 1 and the mobile device 100 in figure 1. The mobile device 100 can be connected to a computer 120 through a cradle 110

and the computer in turn can be connected to the server 164 (see figure 1, page 3, paragraph 36). The mobile device 100 has a voice communication module 24 A in figure 4, which anticipates a telephone call module.

In further regards to claims 39 and 49, the application program sending a message to a client computer for causing a first telephone number to be displayed by the client computer and the application program receiving a message from the client computer that the displayed telephone number has been activated are anticipated by call person option 476 in figure 2b which is one of the many options of the graphical user interface (GUI) (page 6, 2nd column, paragraph 56).

In further regards to claims 39 and 49, the telephone call module, in response to receiving the message, causing a signal to be sent to a switch instructing the switch to initiate a telephone call between a second, predefined telephone number and the first telephone number are anticipated by the wireless gateway 140 and its functions. To implement push services, the wireless gateway 140 performs routing and addressing functions, ensuring that a valid address for mobile device 100 always exists so that it can be located by wireless connector 125 and be sent proper information (see page 4, 1st column, paragraph 40 and figure 1, wireless gateway 140).

In regards to claims 40 and 50, the telephone module receiving a message from the client computer that a third telephone number has been activated is anticipated by step 2 of figure 6 where the user decides to start a conference call and selects an address to call.

In further regards to claims 40 and 50, the telephone call module, in response to receiving the message that the third telephone number has been activated, causing a second signal to be sent to the switch instructing the switch to initiate a conference call between the first telephone number, the second telephone number and the third telephone number are anticipated by the wireless gateway 140 and its functions. To implement push services, the wireless gateway 140 performs routing and addressing functions, ensuring that a valid address for mobile device 100 always exists so that it can be located by wireless connector 125 and be sent proper information (see page 4, 1st column, paragraph 40 and figure 1, wireless gateway 140).

In regards to claims 42, 44, 45, 52, 54 and 55 the disclosure used with regards to the last limitation of claim 40 is also applicable to claim 42, 44, 45, 52, 54 and 55.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 16-18, 30-32, 43 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yach et al (US Publication 2002/0128036 A1) as applied to claims 1, 13, 27, 39, 49 above, and further in view of Forlenza et al. (US Patent 665375 B1).

6. In regards to claims 5, 16, 30, 43 and 53, Yach discloses all the limitations of the independent claims 1, 13, 27, 39 and 49 as stated above.

Yach fails to disclose, the telephone call module receiving call status information from the switch and the telephone call module causing the call status information to be provided to the user. Forlenza discloses the above-mentioned limitations in figures 6 and 7. Figure 6 is a display screen of a call status client program and figure 7 is a flowchart illustrating the operation of a call status enabled telephone device.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the call initiation method disclosed by Yach with the call status display method disclosed by Forlenza.

The proper motivation comes from Forlenza where it is stated, "a called may view call status information on a computer screen while attempting to make a telephone call" (see column 1, lines 61-63).

7. In regards to claims 6, 17 and 31, Yach discloses all the limitations of the independent claims 1, 13, 27, 39 and 49 as stated above.

Yach fails to disclose, displaying the call status information. Forlenza discloses the above-mentioned limitations in figures 6. Figure 6 is a display screen of a call status client program.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the call initiation method disclosed by Yach with the call status display method disclosed by Forlenza.

The proper motivation comes from Forlenza where it is stated, "a called may view call status information on a computer screen while attempting to make a telephone call" (see column 1, lines 61-63).

8. In regards to claims 7, 18 and 32, Yach discloses all the limitations of the independent claims 1, 13, 27, 39 and 49 as stated above.

Yach fails to disclose, the call status being one of connected, dropped, busy and closed. Forlenza discloses the above-mentioned limitations in figure 7. Step 716 is "ringing" status, which can be equated to a connected call status. Step 740 is the "disconnected" status, which can be equated to a dropped or closes status. Step 720 is "busy" status.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the call initiation method disclosed by Yach with the call status display method disclosed by Forlenza.

The proper motivation comes from Forlenza where it is stated, "a called may view call status information on a computer screen while attempting to make a telephone call" (see column 1, lines 61-63).

Allowable Subject Matter

9. Claims 3, 10-12, 15, 21-23, 29, 35-37, 41, 46-48, 51, 56, 57 and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 7/18/2005 with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay P. Patel whose telephone number is (571) 272-3086. The examiner can normally be reached on M-F 9:00 am - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpp 12/20/05
Jay P. Patel
Examiner
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